

EXHIBIT

A



OFFICE OF THE
ATTORNEY GENERAL OF TEXAS

Veasey, et al. v. Abbott, et al.



Scope Of Court's Inquiry On Remand

216

830 FEDERAL REPORTER, 3d SERIES

HR department is AFFIRMED. The case is REMANDED for further proceedings. We express no view on the ultimate merits or on what decisions the court should make on remand. We rule only on the basis of the summary-judgment record filed in this appeal.



Marc VEASEY; Jane Hamilton; Sergio Deleon; Floyd Carrier; Anna Burns; Michael Montez; Penny Pope; Oscar Ortiz; Koby Ozias; League of United Latin American Citizens; John Melchor-Crummey; Ken Gandy; Gordon Benjamin; Evelyn Brickner, Plaintiffs-Appellees

Texas Association of Hispanic County Judges and County Commissioners, Intervenor Plaintiffs-Appellees

v.

Greg ABBOTT, in his Official Capacity as Governor of Texas; Carlos Cascos, Texas Secretary of State; State of Texas; Steve McCraw, in his Official Capacity as Director of the Texas Department of Public Safety, Defendants-Appellants

United States of America, Plaintiff-Appellee

Texas League of Young Voters Education Fund; Imani Clark, Intervenor Plaintiffs-Appellees

v.

State of Texas; Carlos Cascos, Texas Secretary of State; Steve McCraw, in his Official Capacity as Director of the Texas Department of Public Safety, Defendants-Appellants

Texas State Conference of NAACP Branches; Mexican American Legislative Caucus, Representatives, Plaintiffs-Appellees

Carlos Cascos, Steve McCraw, in his Official Capacity as Director of the Texas Department of Public Safety, Defendants-Appellants

Lenard Taylor, Lionel Estrada; Margaritona Martinez; Pueblo Entitiff-Appellees

State of Texas, Secretary of State, in his Official Capacity as Director of the Texas Department of Public Safety, Defendant

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United States
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Background: Subvocalization groups bring suit against the state of Texas to challenge the legality of state voter identification laws requiring voters

forms of identification at polls. The United States District Court for the Southern District of Texas, Neiva Gonzales Ramos, J., 71 F.Supp.3d 627, invalidated the law and the state appealed. The Court of Appeals, Haynes, Circuit Judge, 796 F.3d 487, affirmed in part, vacated in part, and remanded in part. Rehearing en banc was granted, 815 F.3d 958.

"The district court should then reevaluate the evidence relevant to discriminatory intent and determine anew whether the Legislature acted with a discriminatory intent in enacting SB 14."

Veasey, et al. v. Abbott, et al., 830 F.3d 216, 272 (5th Cir. 2016) (emphasis added).



Direct Evidence From SB 14 Proponents

- Bill sponsors and proponents for SB 14 repeatedly stated that its purpose was to deter and detect voter fraud and safeguard voter confidence in the electoral system.

Case 2:13-cv-00193 Document 588 Filed in TXSD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL., Plaintiffs,
vs.
RICK PERRY, ET AL., Defendants.

BENCH TRIAL
BEFORE THE HONORABLE NEIL M. GALLAGHER
UNITED STATES DISTRICT JUDGE

Appearances: See Next
Court Recorder: Genay Rodriguez
Clerk: Brandy C. Johnson
Court Security Officer: Adrian P. Lopez
Transcriber: Exceptional Reporting
P.O. Box 361
Corpus Christi, TX
361 949-2121

Proceedings recorded by electronic
transcript produced by transcripting
exceptional reporting

Senator Fraser: “The purpose was to protect the integrity of the voting box.”

Trial Tr. 416:5-6 (Sept. 10, 2014) (Fraser) (ROA.101178).

Lt. Gov. Dewhurst: “It was the intent of the Legislature—it was the intent of the Lieutenant Governor, to pass . . . a photo voter I.D. bill which reduced fraud, and . . . to improve the confidence by the voters in Texas in our election process. . . .”

Trial Tr. 39:19-40:6 (Sept. 10, 2014) (Dewhurst) (ROA.100801-02).

Representative Harless: “Only a true photo ID bill can deter and detect fraud at the polls and can protect the public’s confidence in the election.”

DEF0001 (H.J. of Tex., 82d Leg., R.S. 918 (Mar. 23, 2011) (ROA.70855)).



Direct Evidence From SB 14 Opponents

- ▶ Legislators and their staff uniformly denied that SB 14 was enacted for a discriminatory purpose.
 - **Representative Anchia** – Did not hear anyone make a statement, in public or private, suggesting that SB 14 had a discriminatory intent. (ROA.99972-73)
 - **Senator Davis** – Did not hear anyone make a statement, in public or private, suggesting that SB 14 had a discriminatory intent. (ROA.99655-56)
 - **Representative Veasey** – Admits he has no evidence that any House member, other than Representative Berman, voted for SB 14 for the purpose of harming minority voters, and that he has no evidence that any member of the Senate voted for SB 14 for a discriminatory purpose. (ROA 68797-98)



Voter ID Opponents In Their Own Words

Case 2:13-cv-00193

CON

1 law because who's gonna
2 JES. WHITMIRE
3 exemption. Does she have
4 I mean, they --
5 JES. WHITMIRE
6 the secretary of state
7 JES. WHITMIRE
8 And let me just tell you,
9 fraud. As elected officials
10 self-interest to have
11 integrity. We're going
12 represent as well. So
13 or against fraud. It's
14 disengagement. The
15 what we've been fighting
16 years. Tell me how we
17 unintended consequence
18 vote on election day.
19 that. And I --
20 JES. WHITMIRE
21 people of my district
22 polling of my district
23 of the people in favor
24 JES. WHITMIRE
25 JES. WHITMIRE

1 represent, I think if
2 have used some polling
3 number -- that say the
4 think you should have
5 you.
6 JES. WHITMIRE
7 JES. WHITMIRE
8 pass this, because the
9 JES. WHITMIRE
10 JES. WHITMIRE
11 show a photo ID.
12 JES. WHITMIRE
13 govern by rules. And I
14 I walked through, after
15 ID, then I start talking
16 they start saying just
17 to know how people are
18 Forget the 88-year-old
19 parent. How do they
20 in Houston it takes two
21 license at the DDO office
22 JES. WHITMIRE
23 you, you know, ask you
24 we're both at. A 43-year-old
25 is it going to be a re-

Senator Whitmire: “I don’t ... think you want to disenfranchise anybody.”

(DEF0001 (Debate on S.B. 14 in the Senate Committee of the Whole, 82d Leg., R.S., 64:5-8 (Jan. 25, 2011)) (ROA.68948)).

Senator Fraser: “I want to make sure that the groups you’re talking about, you know, women, minority, elderly, that they all have the right to vote; and I believe my bill does that.”

Senator Ellis: “Okay. And I know that’s your intent.”

(DEF0001 (Debate on S.B. 14 in the Senate Committee of the Whole, 82d Leg., R.S., 201:6-10 (Jan. 25, 2011)) (ROA.68983)).

Representative Giddings: “To Representative Brown and my good friend, Leo Berman, and my committee members, Mr. Bohac and others who have worked on this bill, let me say from the very beginning that I know that your intentions here are good and honorable, and I want to say that again. I truly believe that your intentions are good and honorable, and I believe it is a sincere attempt on your part to stop voter fraud.”

(DEF0002 (Debate on Tex. H.B. 218 on the Floor of the House, 80th Leg., R.S., 3:5-13 (April 24, 2007) (ROA.76853)).



Arlington Heights Factors

- ▶ Historical background of the decision
- ▶ Specific sequence of events leading up to the challenged decision
- ▶ Departures from the normal procedural sequences
- ▶ Substantive departures
- ▶ Legislative history



Case 2:13-cv-00495 Document 100-51 Filed on 03/01/17 in TXSD Page 8 of 35

The Legislature Did Not Have Knowledge Of Disparate Impact

- ▶ Elections Division Director of Secretary of State of Georgia testified that in the 16 elections Georgia had since implementing its voter ID law his office never received a single complaint that anyone was disenfranchised. (ROA.74975-76)
- ▶ Indiana Secretary of State testified that “there’s been scant evidence of disenfranchisement or discrimination in Indiana.” (ROA.69000)
- ▶ The Texas Legislature also learned that similar voter ID laws did not result in disenfranchisement as the opponents of those laws—just like opponents of SB 14—predicted. (ROA.73665, 73685, 73703)
- ▶ The Texas Legislature considered real-world empirical studies—as opposed to statistical estimates—showing that requiring voters to prove their identity with a photo ID did not negatively affect the ability of those entitled to vote. (ROA.73369, 73417, 73423)



The Legislature Did Not Have Knowledge Of Disparate Impact

- ▶ Legislators were unaware that SB 14 would have a discriminatory impact on minority voters.

Case 2:13-cv-00193 Document 725-10 Filed in TXSD on 11/17/14 Page 14 of 43

TEXAS SENATE STAFF SERVICES
JGHym33697LSB14013611CDISI031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION II

Texas Senate
Staff Services

29

would produce a disparate impact on any population or subgroup. It would go through a number of voting eligible residents that hasn't have and do not have a driver's license or voter registration. So if you have a voter with a resident with the recorded form of ID, only because the address on the ID is not match current records, like a mail average wait time, by voting precinct, provide drivers' licenses or personal I.D.s, were prevented from voting due requirements made by this bill, an changes made in this bill would produce a disparate impact on this disparate. Senator Fraser, I can no more prove, has the disparate impact that folks can prove that this bill is gonna deal with, about in terms of people voting who worse than when we do something and But in case there are unforeseen costs with most bills we pass, this simply annually, has no impact on implementation happy to answer any questions.

PRESIDENT :
on Floor Amendment 30.

FRASER :
discussion that Senator Ellis and I requested, any Member can request gonna be back here two years, and sitting here, and I feel sure that it's in statute, voting it from now. When we come back, I feel sure that look at the date, but I would oppose to table Amendment 30.

PRESIDENT :
on the amendment.

ELLIS :
this bill is that we don't know the requirements require that it be collected. That information was asked for yesterday. As you know, my desk mate probably said 30 times to ask the Secretary of State. Well, some of us did and we (sic) still waitin' on the answers. So, what this does is simply say, If you're gonna make a fundamental change like this, and this is a major change, and I think all of us would be naive to try and argue it is not goin' to have an impact on turnout. It will. It's gonna have a impact on how many people are able to vote. So, I would encourage you to just let us include

Senator Ellis: “I can no more prove, without [S.B. 14] being in effect, that it has the disparate impact that folks on my side are afraid of.”

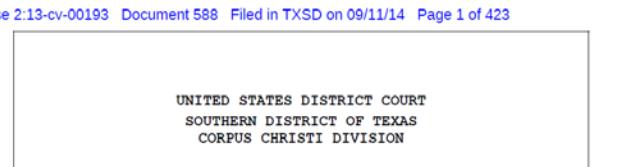
DEF0001 (Tex. Leg., Senate Committee of the Whole, 82d Leg., R.S., at 28 (Jan. 26, 2011) (ROA.70215)).



The Legislature Did Not Have Knowledge Of Disparate Impact

- Legislators were unaware that SB 14 would have a discriminatory impact on minority voters.

Case 2:13-cv-00193 Document 588 Filed in TXSD on 09/11/14 Page 1 of 423



MARC VEASEY, ET AL.,
Plaintiffs,
vs.
RICK PERRY, ET AL.,
Defendants.

BENCH TRIAL
BEFORE THE HONORABLE N.
UNITED STATES D.

Appearances: See Next
Court Recorder: Genay Ro
Clerk: Brandy C
Court Security Officer: Adrian P
Transcriber: Exceptional Reporting Services, Inc.
P.O. Box 18668
Corpus Christi, TX 78480-8668
361 949-2988

Lt. Gov. Dewhurst: “Mr. Hebert was told that [SOS was] having difficulty in taking the list of driver’s licenses in the DPS silo and the number of registered voters and names in the Secretary of State’s Office and matching them. I don’t understand why, but I was told that.”

Trial Tr. 72:21-25 (Sept. 10, 2014) (Dewhurst) (ROA.100834).

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The Legislature Did Not Have Knowledge Of Disparate Impact

Case 2:13-cv-00193 Document 578 Filed in TXSD on 09/01/17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,)
Plaintiffs,)
vs.)
RICK PERRY, ET AL.,)
Defendants.)

CIVIL
Corpus Christi, Texas

BENCH TRIAL - DAY 1
BEFORE THE HONORABLE NELVA G. COOK
UNITED STATES DISTRICT JUDGE

Appearances: See Next Page
Court Recorder: Genay Rogan
Clerk: Brandy Cortez
Court Security Officer: Adrian Perez
Transcriber: Exceptional Reporting Services, Inc.
P.O. Box 1866
Corpus Christi, TX
361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

Rep. Smith testified that he remembered estimating that roughly 700,000 Texas voters lacked a driver's license.

Trial Tr. 327:11-329:7 (Sept. 8, 2014) (Smith) (ROA.100321-23).

This testimony proves nothing:

- No evidence that any legislator received this estimate.
- This estimate says nothing about the racial makeup of the group of voters lacking a driver's license.
- Driver's licenses are only one type of SB 14 ID.



The Legislature Did Not Have Knowledge Of Disparate Impact

Case 2:13-cv-00193 Document 1005-1 Filed on 03/01/17 in TXSD Page 12 of 35

CONSIDERATION OF SENATE BILL

1 SEN. FRASER: Okay.
2 SEN. ELLIS: Let me ask you this: There's
3 an article in today's paper. It says nearly 650,000
4 Texans who refuse to pay surcharge penalties for drunken
5 driving, no insurance, and other violations are being
6 offered a one-time amnesty by the state. Those offered
7 amnesty represent just over half of the estimated
8 1.2 million Texans in default. It talks about what they
9 owe the state. But all of those folks who are in
10 default, because we balanced the budget in '03 with
11 surcharges for people who have a license, all have had
12 their licenses suspended for not paying. So would that
13 concern you any that, at least, according to folks who
14 go get amnesty, that's 1.2 million. That would be more
15 than that. There's 1.2 million owe the state X would.
16 That's what this article is about.
17 But would you concede it ought to be a
18 problem because we've got a lot of people who had a
19 driver's license, I assume the ones who owe the
20 surcharges are -- you know, maybe a disproportionate
21 number of them are folks who didn't have the money to
22 pay the surcharges. Maybe some of them were just civil
23 libertarians, didn't like the bill and wouldn't pay it
24 period. But a lot of them are probably working-class
25 people who can't pay it. So at least over 1.2 million

197
1 SEN. FRASER: Well, first of all, if -- if
2 they're not paying for, I'm not sure that they -- I
3 guess I'd question whether they're eligible. I don't
4 know the answer. We'd ask the Secretary of State that.
5 SEN. ELLIS: I don't think --
6 SEN. FRASER: But the easy answer to your
7 question is, we're going to give them an ID free. So if
8 they've lost their driver's license, all they got to do
9 is go back down and get a free ID. We'll hand them a
10 new one.
11 SEN. ELLIS: Do you think the over
12 1.2 million people who had their licenses suspended
13 because of the surcharges this legislature put on them
14 in 2003 is not -- they haven't been convicted of a -- of
15 a felony. That's not on their record, but their license
16 has been suspended. They're being offered amnesty,
17 according to the article in today's paper. You think
18 that those folks would go and get this new ID? You
19 don't think they'd be worried about showing up and
20 somebody saying, "Hey, by the way, now that I know where

198
1 already 70
2 2012, you
3 4 your life.
5 6 that's dis
7 8 9 AMP --
10 11
12 13
14 over 70.
15
16 2012, you
17 subject to
18 operating
19
20 that you
21 elderly, a
22 challenged
23
24

KENNEDY REPORTING SERVICE
512.474.2233
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Senator Ellis: Are you confident, Senator, that your bill would not have a disparate impact . . . on racial ethnic minorities?

Senator Fraser: I am –

Senator Ellis: Are you confident?

Senator Fraser: – absolutely sure. I would not have filed the bill if I had thought it—I want to make sure that every person in the state has a right to vote. . . . [A]nd I do not believe that in any way we're impacting that and that—that—you know, I want to make sure that the groups you're talking about, you know women, minority, elderly, that they all have the right to vote and I believe my bill does that.

Senator Ellis: Okay. And I know that's your intent.

Senator Fraser: Yes.

Senator Ellis: But you're confident that it will have no impact?

Senator Fraser: I'm very confident.



The Legislature Did Not Have Knowledge Of Disparate Impact

Case 2:13-cv-00193 Document 725-14 Filed in TXSD on 11/17/14 Page 127 of 206

House Chambers Floor Debate, 2nd

March 21, 2011

36

1 REPRESENT
2 two additional years to
3 working in other states
4 additional years to hear
5 concerns of the integrity
6 only a true p
7 detect fraud at the poll
8 public's confidence in
9 REPRESENT
10 it possible that Latino
11 Texas will be put in a
12 electoral power as a re
13 REPRESENT
14 with all my heart this
15 all voters in the State
16 REPRESENT
17 if you're wrong? Are t
18 safeguards in the bill
19 example, a sunset (phon
20 that there's substantia
21 Americans and Latinos t
22 the bill?
23 REPRESENT
24 states that have passed
25 similar bills that -- t

Representative Harless: We've had two additional years to see that photo ID is working in other states. . . .

Representative Anchia: Is it . . . it possible that Latinos and African Americans in Texas will be put in a worse position in terms of electoral power as a result of Senate Bill 14?

Representative Harless: I believe with all my heart this bill will increase turnout of all voters in the State of Texas. . . . In the two states that have passed this type of voter—similar bills that—to our bill, they have showed increased in election for the minorities And I think that we will see the same results in Texas. This will increase turnout of all voters because of the restored confidence that their vote counts.



Historical Background

- ▶ Plaintiffs' reliance on acts by long-dead legislators occurring decades ago is not probative of legislative intent in 2011.
- ▶ Examples of purported discrimination by local jurisdictions and private entities in Texas are not probative of whether the Texas Legislature enacted SB 14 with a discriminatory purpose.
- ▶ Voting-related lawsuits and preclearance objection letters are not evidence of “official actions taken for an invidious purpose.”



Specific Sequence Of Events Leading To SB 14

Higher powers motivated the Texas Legislature to enact voter ID legislation:

- ▶ HAVA
- ▶ Carter-Baker Commission
- ▶ *Purcell v. Gonzalez*
- ▶ *Crawford v. Marion County Election Board*
- ▶ Adoption of voter ID requirements by other states



Other States Adopted Election Reforms

- ▶ 2005 – Georgia and Indiana
- ▶ 2006 – Missouri and Ohio
- ▶ 2010 – Oklahoma
- ▶ 2011 – Legislation introduced in 34 states, including: Kansas, Tennessee, South Carolina, Wisconsin, Texas, Minnesota, Missouri, Montana, New Hampshire, and North Carolina



Specific Sequence Of Events Leading To SB 14

Higher powers motivated the Texas Legislature to enact voter ID legislation:

- ▶ HAVA
- ▶ Carter-Baker Commission
- ▶ *Purcell v. Gonzalez*
- ▶ *Crawford v. Marion County Election Board*
- ▶ Adoption of voter ID requirements by other states
- ▶ Public opinion supported voter ID requirements



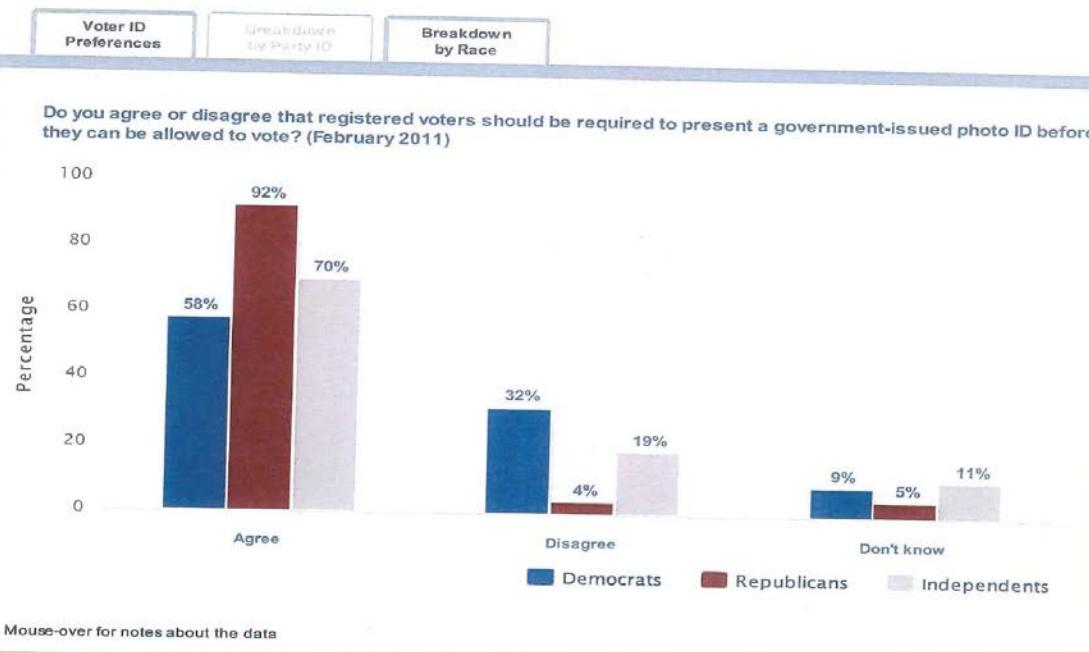
Broad Support In Texas In Favor Of Voter ID

7/21/2014

Case 2:13-cv-00193 Document 749-22 Filed in TXSD on 11/18/14 Page 2 of 3
Texas Politics - Voter Identification (February 2011)

Texas Politics

Voter Identification (February 2011)



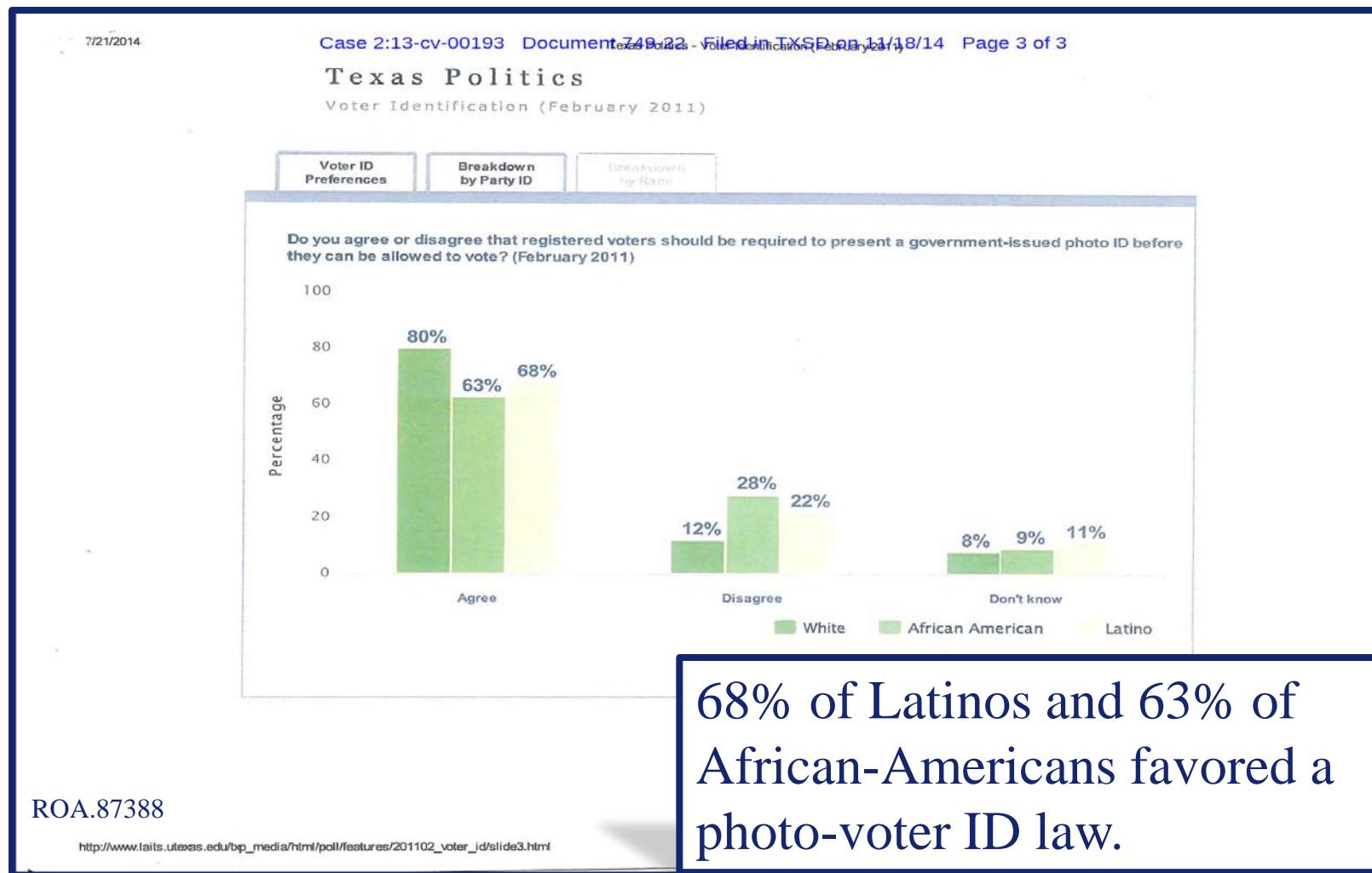
ROA.87387

http://www.laits.utexas.edu/bp_media/html/poll/features/201102_voter_id/slide2.html

58% of Democrats favored a photo-voter ID law.



Broad Support In Texas In Favor Of Voter ID





SB 14 Was Not A Reaction To Changing Demographics In Texas

Case 2:13-cv-00193 Document 1005-1 Filed on 03/01/17 in TXSD Page 20 of 35

- ▶ The timing of HB 1706 (2005) demonstrates that voter ID proponents could not have been motivated by the demographic shift.
 - Census Bureau's first announcement regarding Texas's status as a majority-minority state was in August 2005.
 - The Legislature introduced HB 1706 at the beginning of the 2005 session.



The Legislative Road To SB 14



HB 744

Democrat introduces first voter ID bill.

Legislature enacts laws to strengthen and modernize the election system.



Mail-In Voter Fraud

- ▶ The Legislature prioritized mail-in ballot fraud before it addressed in-person voter fraud in SB 14.
 - 2003 Legislative Session: HB 54
 - 2007 Legislative Session: HB 1987, SB 90
 - 2011 Legislative Session: HB 2449



The Legislative Road To SB 14

2001

2003

2005

2007

2009

2011

HB 744

Democrat introduces first voter ID bill.

Legislature enacts laws to strengthen and modernize the election system.

HB 1706

Voter ID bill is pressed by Republicans and blocked by Democrats in the Senate.

HB 218

Democrats in the Senate kill the Voter ID bill.

SB 362

Voter ID bill is “chubbed to death” by Democrats in the House.



Case 2:18-cv-00193 Document 1005-1 Filed on 08/01/17 in TXSD Page 24 of 35

SB 14's Procedural Departures Had Nothing To Do With Discrimination

- ▶ Governor's designation of SB 14 as an emergency item
- ▶ Designation of SB 14 as a special calendar item in the Senate
- ▶ Disbanding the two-thirds rule in the Senate
- ▶ Senate's use of the Committee of the Whole
- ▶ Inclusion of a fiscal note



Rejection of Amendments To SB 14 Is Not Evidence Of An Intent To Discriminate

- ▶ Many ameliorative amendments proposed by Democrats were adopted in the Texas Senate.
 - Senator Hinojosa proposed an amendment to allow concealed handgun permits to be used as voter ID. This was adopted unanimously. (ROA.70125)
 - Senator Lucio offered an amendment to allow the use of certain expired IDs. This was adopted unanimously. (ROA.70129)
 - Senator Davis proposed an indigent affidavit exception. Although she withdrew the amendment, it was incorporated into a more comprehensive amendment offered by Senator Duncan. The amendment was adopted unanimously by the Senate. (ROA.70141)



Other Amendments Were Rejected For Legitimate Reasons

Case 2:13-cv-00193 Document 725-10 Filed in TXSD on 11/17/14 Page 5 of 43

TEXAS SENATE STAFF SERVICES
JGH:rjn/336/FLSB14012611CD1SIL/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION II

20

Texas Senate
Staff Services

Gallegos to explain Floor Amendment 25.
GALLEGOS : Thank you, Mr. Chairman. Mr. President, Members, this amendment, Members, requires at least one DPS office, if you've got, if everybody's got their map of Houston that's being passed out, that processes drivers license and personal ID cards be established for every 15 voting precincts in the area. Members, there's a, almost, there's over 900 precincts in Harris County, and almost 800 of those are inside the city. And, what this does, this would not close down any existing offices but, as you see, inside the 610 Loop, on the map that I have passed out, there, there, there's none. Zero DPS centers in that area. And, I, Members, mo-mobility and personal transportation tend to be directly related to, really, personal wealth and citizens that live in the district are below that, and are less likely to have a vehicle and are less likely to have a driver's license. And, studies have shown that people that don't have a vehicle are most likely to be without transportation and as a result, are more likely to experience additional economic burdens in the form of transportation costs than those that do have a vehicle. So, this is a bill that mandates every Texan to have a photo ID the same way that we have access, especially in Houston, and, I didn't pass out this bill, it's very similar. Dallas only has one, Senator West.

: (Yeah.)
GALLEGOS : Fort Worth, Senates, there's none inside, and in, and in, for the, for those from San Antonio, there's two and those are at the edge of the outlying areas. So, I mean, seeing is believing and you see the map of Houston. There's no DPS centers inside 610. Those of you who, that live in the outer areas of Houston, that know Houston, inside the 610 is huge. I just checked the map and there's almost 800 precincts in this area. And no DPS centers in this area. If we're gonna mandate to Texans that they must have a photo ID, then we, we deserve to, to pre-provide them with access, whether it be Houston, Dallas, Fort Worth, San Antonio, or anywhere. Senator Uresti's area, those area, we must provide them with access. And, at least on a bus route where they can at least pay a bus to get to that location. Not a single one in Houston, Texas, Members, is the map that I'm showing you in front of you. And for that I'm asking that, that my amendment, an-and I'm, I move on my amendment M-ist-Mr. Chairman, Mr. President.

PRESIDENT : Thank you, Senator Gallegos. The Chair recognizes Senator Fraser on Floor Amendment 25.

FRASER : Senator, we, we appreciate your, your, your effort to move forward on this and we wanna make sure that ev-every person given the right to get an ID an-and, an-and vote, but I don't think Senate Bill 14 is the appropriate vehicle to debate DPS operations. I think it's probably likely to be with your suggestion. There's a, probably a large expense connected with it that would have to be looked at by the Finance Committee. And, based on that, I would move to table Amendment 25.

JA_001329

14-41127.70206

TX 00203431

using documents used to obtain a voter certificate.

Senate Bill 14's impact on voters
and photo ID

Senator Fraser: “I don’t think Senate Bill 14 is the appropriate vehicle to debate DPS operations.”



Other Amendments Were Rejected For Legitimate Reasons

Case 2:13-cv-00193 Document 588 Filed in TXSD on 09/11/14 Page 1 of 423

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,) CASE NO. 13-CV-00193
Plaintiffs,)
vs.)
RICK PERRY, ET AL.,) Wednesday, September 10, 2014
Defendants.) (7:50 a.m. to 1:00 p.m.)

BENCH TRIAL - DAY 7

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

Appearances: See Next Page
Court Recorder: Genay Rogan / Lori Cayce
Clerk: Brandy Cortez
Court Security Officer: Adrian Perez
Transcriber: Exceptional Reporting Services, Inc.
P.O. Box 18668
Corpus Christi, TX 78480-8668
361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

EXCEPTIONAL REPORTING SERVICES, INC.

14-41127.100763

Lt. Gov. Dewhurst: “[I]t was my intent during the implementation, once the bill had passed -- during the implementation of the bill by the agencies to reduce that cost.”



Other Amendments Were Rejected For Legitimate Reasons

Case 2:13-cv-00193 Document 715-1 Filed in TXSD on 1/17/17

TOMMY WILLIAMS
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Sen. Williams:

1 of photo ID?
2 A. I don't recall that I cared for this
3 provision. It was a part of the bill, but I'm not
4 sure that I -- I don't necessarily agree with every
5 provision of every bill, so...
6 Q. Fair enough.
7 Can you tell me why you might not have agreed
8 with this particular provision.
9 A. I think, you know, it makes a lot more
10 difficult for the people who are working at the polls
11 to identify -- to know whether it's a valid ID or not,
12 because we have 38 general academic institutions in
13 this state and we have a bunch of health science
14 centers and a lot of people that are issuing student
15 ID cards, including all of our community colleges; and
16 so I think it becomes very difficult for someone at
17 the poll to know whether that's actually a valid ID or
18 not.
19 Q. Would the -- would you have the same opinion
20 of the ID listed in Number 3 there, a valid employee
identification card?
21 A. Yeah.
22 Q. Number 7 is a license to carry a concealed
handgun, correct?
23 A. Correct.

45
1 Q. So there are seven different forms of
2 photographic identification that were acceptable under
3 HB 218 in this version, correct?
4 A. Correct.
5 Q. And then if you look at Subsection (b), there
6 are 11 different forms of nonphoto ID that were
7 acceptable under this version of the legislation,
8 correct?
9 A. I have to read it.
10 Q. Sure.
11 A. Actually, I -- let's see. Yeah, there are
12 11. That's correct.
13 Q. And do you recall discussing in committee any
14 of these forms of nonphoto identification?
15 A. I don't have a specific recollection, no.
16 Q. Is there any reason that these forms of photo
identification would not have been acceptable?
17 A. I don't think they're particularly good forms
of identification.
18 Q. And is it your opinion that the only form of
identification that can truly identify or verify who a
person is is a photo identification?
19 A. I think that the way it was listed in Senate
Bill 1 was -- excuse me, Senate Bill 14 was, there
25 were primary forms of identification and secondary

1 forms of identity
2 more reason
3 before you issue
4 so...
5 Q. Okay.
6 forms of identity
7 to obtain an ID
8 A. Right
9 Q. -- for people
10 A. That's correct.
11 Q. Where
12 you could accept
13 nonphotographic
14 A. Under
15 Bill 18 (sic).
16 Q. And can you tell me why it is that you don't
think any of these forms, these 11 forms of nonphoto
ID listed in this version of HB 218, would be
sufficient to identify or verify a person's identity?
17 A. Primarily, it makes it very difficult for the
person who's working at the polls -- they have so many
things that they have to look at -- and they don't
know whether it's a valid document or not.
18 Q. Do poll workers have a way to determine
whether a particular license is a valid license?

46
1 MS. DONNELLY: Objection. Form.
2 A. I don't know.
3 Q. (BY MS. RUDD) Do poll workers have a way to
4 verify whether a particular Texas ID card is actually
what it purports to be?
5 MS. DONNELLY: Objection. Form.
6 A. I don't know the answer to that.
7 Q. (BY MS. RUDD) HB 218 ultimately didn't get
8 considered on the floor of the Senate, is that
10 correct?
11 A. That's correct.
12 Q. Senator Fraser made a motion to consider
13 HB 218 outside the regular course of business,
14 correct?
15 A. I believe he made a motion to suspend the
regular order of business to take up and consider
House Bill 218.
16 Q. And when you say "the regular order of
business," that's the sort of default calendar in the
Senate, correct?
17 A. The regular order of business is the order of
the bill -- the order that bills came out of committee
numerically and by time, when they were voted out of
committee. That's the regular order of business out
of the Substantive Committee.

40
20 A. Primarily, it makes it very difficult for the
21 person who's working at the polls -- they have so many
22 things that they have to look at -- and they don't
23 know whether it's a valid document or not.



The House Removed The Indigent Affidavit Exception At The Insistence Of Democrats

- ▶ The House removed the provision in the Senate version of SB 14 that allowed the indigent to vote without a photo ID by swearing an affidavit of their indigency.

Case 2:13-cv-00193 Document 725-1 Filed in TXSD on 11/17/14 Page 160 of

House Floor Debate - Volume 1 March 23
1 because I think it would be a significant improvement.
2 I fear that your bill is worse than current
3 law and really undermines the argument that this is about
4 ballot integrity because suddenly you have a mechanism
5 where people can come in and never show anything and no
6 be on the list and the ballot board shall accept their
7 their -- their ballot. It's not even a "may" anymore.
8 You changed it to "shall."
9 MS. HARLESS: They have six days to prove
10 who they are, and the ballot board at that point --
11 MR. ANCHIA: But they don't have to prove
12 who they are. They just say they have a religious
13 objection or are indigent. They never really prove who
14 they are, do they?
15 MS. HARLESS: My understanding is that they
16 have six days to cure and their ballot will get counted.
17 MR. ANCHIA: They have six days to cure.
18 So, they can execute that second affidavit and
19 ultimately -- and ultimately vote without ever having
20 shown ID. Right?
21 MS. HARLESS: I'm more than happy to look
22 at your amendment if you want to offer an amendment.
23 MR. ANCHIA: Okay. Yeah, I'm definitely
24 going to have an amendment. So, thank you.
25 MS. HARLESS: Move to table.

1 because I think it would be a significant improvement.
2 I fear that your bill is worse than current
3 law and really undermines the argument that this is about
4 ballot integrity because suddenly you have a mechanism
5 where people can come in and never show anything and not
6 be on the list and the ballot board shall accept their --
7 their -- their ballot. It's not even a "may" anymore.
8 You changed it to "shall."
9 MS. HARLESS: They have six days to prove
10 who they are, and the ballot board at that point --

11 Representative Anchia urged the
12 Texas House to eliminate an
13 indigency-affidavit procedure.
14



No Evidence Of Shifting Rationales

PL275
Case 2:13-cv-00193 Document 666-5 Filed in TXSD on 11/11/14 Page 7 of 9/2/2014
2:13-cv-00193

From: Bryan Hebert
Sent: Monday, January 24, 2011 10:04 AM
To: Jason Baxter; Amanda Montagne; Ryan LaRue_SC
Subject: RE: Voter ID Talking Points & Analysis

Some of that is fine, but avoid talking about illegals and registration. We are not doing this to crack down on illegals, but to generally strengthen the security and integrity of the voting process. This is a bill about voting, not registering (though some mention of registration fraud is useful to show that fraud exists generally in the system).

Bryan Hebert
Deputy General Counsel
Office of the Lieutenant Governor
512-463-1001

From: Jason Baxter
Sent: Monday, January 24, 2011 10:00 AM
To: Amanda Montagne; Ryan LaRue_SC
Cc: Bryan Hebert
Subject: FW: Voter ID Talking Points & Analysis

FYI

From: Brent Connell [mailto:brent@txcc.org]
Sent: Monday, January 24, 2011 9:57 AM
To: brent@txcc.org
Cc: tom@txcc.org
Subject: Voter ID Talking Points & Analysis

Senators,

In advance of your Committee of the Whole Senate meeting today, please see the attached document on election integrity. The piece recommends:

The Legislature must secure the integrity of elections by verifying the citizenship of voters requiring a photo ID to vote, removing non-qualified voters from voter registration rolls, and ensuring ballot security.

In addition to providing recommendations and talking points, this paper provides background on successful voter identification laws in Georgia and Indiana.

Sincerely,

Brent Connell
Texas Conservative Coalition
512-474-1798 (office)
512-799-8360 (cell)
txcc.org
facebook.com/txconservativecoalition


EXHIBIT
168
6-7-14

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TX_00081510
14-41127.38994

“We are not doing this to crack down on illegals, but to generally strengthen the security and integrity of the voting process.”



No Evidence Of Shifting Rationales

Case 2:13-cv-00193 Document 666-4 Filed in TXSD on 11/11/14 Page 7 of 12

TALKING POINTS (82R)

I. THE THREAT OF FRAUD IS REAL

- Deceased voters, felons, duplicate registrations, and non-residents remain on voter rolls (*2007 State Auditor report found over 49,000 of these possible ineligible voters*)
- Fraudulent registration applications are rampant (*over 6,000 applications by non-citizens rejected in Harris County from 2004-2007, 2008 ACORN and 2010 Houston Votes registration scandals made national news*)
- Texas Election Administration Management (TEAM) system is improving, but continues to have accuracy problems
- Current election system is inadequate to catch in-person voting fraud

II. THIS BILL PROTECTS TEXAS VOTERS

- Deters and detects fraud
- Improves and modernizes election procedures
- Protects against fraud enabled by inaccurate registration rolls
- Counts only eligible voters' votes
- Protects public confidence in elections

(These points are taken directly from Supreme Court opinion describing Indiana's "legitimate state interests" in adopting photo ID)

III. THIS BILL REPRESENTS AN ATTEMPT TO ENSURE THAT EVERY VOTER CAN VOTE AND THAT ONLY LEGITIMATE VOTES ARE COUNTED

- Simplified bill requires photo ID
- includes exemption for voters over 70 and a procedure for counting ballots
- Similar to Indiana and Georgia laws (which were both upheld by the authorities)
- Requires months of statewide voter education efforts before law takes effect

The talking points from Hebert continued to highlight the problem of “non-citizen[]” registrants.



Concerns About Preclearance Are Not Evidence of Discriminatory Purpose

Case 2:13-cv-00193 Document 666-4 Filed in TXSD on 11/11/14 Page 1 of 512/2014
2:13-cv-00193
552.111

Frank Battle

From: Bryan Hebert
Sent: Wednesday, January 19, 2011 2:55 PM
To: Bryan Hebert
Subject:

-----Original Message-----
From: Bryan Hebert
Sent: Thursday, To: Noe Barrios
Subject: voter

Noe -
Blaine mentioned that your boss had some concerns about whether Fraser's voter ID bill
complied with the Voting Rights Act. As you know, all changes to Texas election law have
to be pre-cleared by the DOJ or the DC Circuit Court. The good news is that the US
Supreme Court has already upheld a similar photo ID law in Indiana. Below are some notes
I prepared last session that incorporate parts of the Court's findings in that case. Let
me know if you want to chat more.

I prepared last session that incorporate parts of the Court's findings in that case. Let
me know if you want to chat more.

- ENSURING COMPLIANCE WITH SUPREME COURT
- I. LEGITIMATE STATE INTERESTS
 - Deterring and detecting fraud
 - Improving and modernizing election procedures
 - Protecting against fraud enabled by inaccurate registration rolls
 - Counting only eligible voters' votes
 - Protecting public confidence in elections
 - II. MEASURES REQUIRED TO OFFSET BURDENS ON VOTERS
 - Access to free photo ID cards
 - Availability of provisional ballots and absentee ballots
 - Ensure that obtaining ID is no more inconvenient or burdensome than usual act of voting
 - III. MEASURES RECOMMENDED TO OFFSET BURDENS ON VOTERS
 - Phase-in over two election cycles (as prescribed by Carter-Baker Report)
 - Exception for certain elderly voters (to decrease size of class of voters adversely impacted by law)

Bryan Hebert
Deputy General Counsel
Office of the Lieutenant Governor
512-463-0001



14-41127-38976

TX_0003442

HIGHLY CONFIDENTIAL

A concern about preclearance is evidence that the Legislature acted with a proper purpose, not a discriminatory purpose.



Concerns About Preclearance Are Not Evidence of Discriminatory Purpose

Case 2:13-cv-00193 Document 665-7 Filed in TXSD on 11/11/14 Page 15 of 38

REASONS TO SUPPORT SB362 AS FILED

- (1) This bill improves security in election process but is not as restrictive as Indiana and Georgia. There is less chance of disenfranchising elderly, poor, or minority voters.
- (2) This is a compromise bill that is basically the same bill that passed the House and the Senate State Affairs Committee last session.
- (3) Senators Fraser, Williams, and Duncan support this version of the bill, and are explaining it to members of Senate and House.
- (4) Potentially gets support from conservative House Democrats (Ritter, Hopson, and Homer) and undecided House Republicans (Merritt and Jones).
- (5) Increases chances of federal pre-clearance (because many forms of ID are acceptable, and provisional ballot procedure is less burdensome).

(1) This bill improves security in election process but is not as restrictive as Indiana and Georgia. There is less chance of disenfranchising elderly, poor, or minority voters.

(5) Increases chances of federal pre-clearance (because many forms of ID are acceptable, and provisional ballot procedure is less burdensome).



Concerns About Preclearance Are Not Evidence of Discriminatory Purpose

PL272
Case 2:13-cv-00193 Document 666-4 Filed in TXSD on 11/11/14 Page 10 of 12 9/2/2014
2:13-cv-00193

From: Jonathan Stinson
Sent: Saturday, January 22, 2011 4:54 PM
To: 'lawyer19@aol.com';魏roe Jackson
Subject: Fw: preclearance
Attachments: VOTE - DOJ review.docx

Jonathan Stinson
jonathan.stinson@ser...

From: Bryan Hebert
To: Jason Baxter; Janice McCoy; Jonathan Stinson
Cc: Blaine Brunson; Julia Rathgeber
Sent: Sat Jan 22 16:19 2011
Subject: preclearance
Attached is a memo

Obama DOJ. The bottom line: doubtful. To increase our chances, we might consider adding a longer list of acceptable photo ID state govt, or local passed last session: "a valid identification card that contains the person's photograph and is issued by: (A) an agency or institution of the federal government; or (B) an agency, institution, or political subdivision of this state."

Bryan Hebert
Deputy General Counsel
Office of the Lieutenant Governor
512-463-0001

164
Hebert
1-7

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Evidence of In-Person Voter Fraud

- ▶ There is no requirement that the Legislature needed concrete evidence before it enacted SB 14. *See Crawford*, 533 U.S. at 194.
- ▶ The Legislature had ample evidence before it that voter fraud existed.
 - Testimony before the House Select Committee on Voter Identification and Voter Fraud regarding SB 14. (ROA.70559-61, 70638-39, 70701-04)
 - Testimony before Senate Committee of the Whole regarding SB 14. (ROA.73453)
 - Observations by the Carter-Baker Commission. (ROA.73501)
 - Testimony from prior legislative sessions regarding voter ID. (ROA.73453)